

XAVIER BECERRA
Attorney General of California
MICHAEL NEWMAN
Senior Assistant Attorney General
SARAH E. BELTON
Supervising Deputy Attorney General
REBEKAH A. FRETZ
JAMES F. ZAHRADKA II
GARRETT M. LINDSEY (SBN 293456)
Deputy Attorneys General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6402
E-mail: Garrett.Lindsey@doj.ca.gov
Attorneys for Plaintiff State of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**STATE OF MICHIGAN, STATE OF
CALIFORNIA, et al.,**

Plaintiffs,

v.

**ELISABETH D. DEVOS, in her official
capacity as the United States Secretary of
Education, and UNITED STATES
DEPARTMENT OF EDUCATION,**

Defendants.

Case No. 3:20-cv-04478-SK

**PLAINTIFFS' UNOPPOSED
ADMINISTRATIVE MOTION TO
EXCEED APPLICABLE PAGE LIMITS
AND EXPEDITE BRIEFING SCHEDULE
FOR PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Judge: Hon. Sallie Kim
Trial Date: None set
Action Filed: July 7, 2020

INTRODUCTION

Pursuant to Civil Local Rule 7-11, Plaintiffs hereby move for relief from (1) the page limits applicable under Civil Local Rule 7-4(b), and (2) the briefing deadlines applicable under Civil Local Rule 7-3(a) and (c) for the Motion for Preliminary Injunction filed herewith.

DISCUSSION

Concurrent with this filing, Plaintiffs are filing a Motion for Preliminary Injunction (PI Motion) seeking relief from Defendants' actions relating to the provision of equitable services to private school students using CARES Act funds. In light of the range and complexity of issues to be addressed and the number of parties, good cause exists to extend the page limits for the parties' briefs. Plaintiffs request that the Court allow them to file a motion not to exceed 30 pages, Defendants to file an opposition not to exceed 30 pages, and Plaintiffs to file a reply brief not to exceed 17 pages. Defendants have indicated their agreement with these proposed page limit modifications. *See* Lindsey Decl. ¶¶ 4, 5, 8 & Ex. L.

In light of the urgent need for the parties and other stakeholders to have clarity on the issues that are the subject of the PI Motion in a timely manner, good cause exists to expedite the briefing on the motion. Plaintiffs request that the Court allow Defendants' opposition to be filed no later than July 29, and Plaintiffs' reply to be filed no later than August 3. Defendants have indicated their agreement with this proposed schedule. *See* Lindsey Decl. ¶ 6, 8 & Ex. L.

Plaintiffs have sought to resolve these issues via stipulation with Defendants; however, due to the fact that counsel for Defendants has yet to appear in this matter, the parties were unable to do so in a timely fashion, necessitating this motion. *See* Lindsey Decl. ¶¶ 7, 8 & Ex. L at 1; Civil Local Rule 7-11(a).

1 Dated: July 17, 2020

Respectfully Submitted,

2 XAVIER BECERRA
Attorney General of California
3 MICHAEL L. NEWMAN
Senior Assistant Attorney General
4 SARAH E. BELTON
Supervising Deputy Attorney General

5 /s/ Garrett Lindsey

6 GARRETT LINDSEY
7 JAMES F. ZAHRADKA II
REBEKAH A. FRETZ
8 Deputy Attorneys General
Attorneys for Plaintiff State of California

9
10
11 DANA NESSEL
Attorney General of Michigan
12 FADWA A. HAMMOUD
Solicitor General
13 TONI L. HARRIS*
NEIL GIOVANATTI*
14 Assistant Attorneys General
Attorneys for Plaintiff State of Michigan
15 **Appearing Pro Hac Vice*